

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Mary Elizabeth Westbury,)	Civil Action No. 6:13-cv-01299-RBH-KFM
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Carolyn W. Colvin, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

The Defendant, Carolyn W. Colvin, Commissioner of Social Security, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for purposes of conducting a *de novo* hearing. Plaintiff Mary Elizabeth Westbury consents to the remand. Upon remand, the Appeals Council will direct the Administrative Law Judge (ALJ) to give further consideration to the nontreating source opinion of Adebola Rojugboka, M.D., pursuant to the provisions of 20 C.F.R. 404.1527 and 416.927 and Social Security Ruling 96-5p, and explain the weight given to such opinion evidence. As appropriate, the ALJ may request Dr. Rojugboka to provide additional evidence and/or further clarification of the opinion and a medical source statement about what the claimant can still do despite the impairments prior to October 12, 2010.

Further, as appropriate, the ALJ will conduct further proceedings required to determine whether substance abuse was a contributing factor material to the finding of disability prior to October 12, 2010, in accordance with Social Security Ruling 13-2p.

The Appeals Council will direct the ALJ to provide the opportunity for a hearing, take any further action needed to complete the administrative record, and issue a new decision with respect to the period prior to October 12, 2010.

The Appeals Counsel will affirm the favorable portion of the decision, i.e., the period beginning on October 12, 2010.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

April 10, 2014
Florence, South Carolina.

¹The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.